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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,098	12/12/2001	Howard Fingerhut	60027.0043US01/BS00345	8975

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EXAMINER	
PEACHES, RANDY	

ART UNIT	PAPER NUMBER
2686	

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/021,098	FINGERHUT, HOWARD	
	Examiner	Art Unit	
	Randy Peaches	2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 November 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7,9,11-16 and 18-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7, 9, 11-16 and 18-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/25/2005 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. ***Claims 1-7, 9, 11-16 and 18-22*** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagendran (U.S. Patent Number 6,731,940 B1) in view of Brody et al. (U.S. Patent Number 4,670,899).

Regarding ***claim 1***, Nagendran discloses, a method for providing base station (10), which reads on claimed "entry node", location information to a service provider, as

referenced in column 5 line 49, in a wireless telecommunication system, comprising the steps of:

- receiving a service provider data packet from the service provider at a wireless device. Although Nagendran does not specifically state that a data packet is received at a mobile device (11) from a said service provider, it is inherent in the area of Cellular Communications that when a mobile device is in the active state, the service provider recognizes the mobile device's (11) presence by sending out signals to the said mobile device. Therefore, as evidenced by the fact that one of ordinary skill in the art would have recognized that due to the response of the mobile device (11) by sending a data packet to the entry node, a previous step of receiving a packet from the service provider would have occurred prior. See column 4 lines 55-67 and column 5 lines 1-22. As well as receiving a service provider data packet from the service provider as a said mobile device (11). See column 5 lines 57-64.
- in response to receiving the data packet, sending from the wireless dive a radio frequency acknowledgement to the said wireless entry node. Although Nagendran does not specifically state that a frequency acknowledgement is sent from the said mobile device to the said entry node, it is inherent in the area of Cellular Communications that when a mobile device is in the active state and ready to communicate with the network that entry node provides information to the said mobile device in regards to the channel in which the device should transmit on. Therefore, as evidenced by the fact that one of ordinary skill in the

art would have recognized that in response to the entry node sending information to the said mobile device, the mobile device sends an acknowledgement message back to the said entry node acknowledging the fact that the device is ready to communicate. See column 5 lines 33-35. See column 4 lines 55-67 and column 5 lines 1-22.

- sending a request for information, which reads on claimed "subscriber data packet," from a mobile device (11) to a wireless telecommunications system's said base station (10). See column 5 lines 33-35;
- sending resource identification information for the said base station (10) to the service provider. See column 5 lines 35-50; and
- determining the location of the said base station (10) based on the resource identification information from the said base station (10). See column 5 lines 43-55.

However, Nagendran fails to clearly disclose extracting resource identification information from call record data associated with the wireless billing system.

Brody teaches in column 13 lines 37-45 of a LBSTATUS table (80), which reads on claimed "call record data," including resource identification information on the cell site. As well as sending the said LBSTATUS table (80) and a said subscriber data packet from a said base station to a MTX, which reads on claimed "mobile switch." See column 14 lines 22-37.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the teachings of Nagendran (U.S. Patent Number

6,731,940 B1) in view of Brody et al. (U.S. Patent Number 4,670,899) in order to provide the system a means of extracting said resource identification information to efficiently monitor and control the subscriber within a designated cell site.

Regarding ***claim 2***, as the combination of Nagendran and Brody are made, the combination according to ***claim 1***, Nagendran further discloses a method comprising the step of determining the number of service provider subscribers operating in the location of the said base station (10). See column 6 lines 42-49.

Regarding ***claim 3***, as the combination of Nagendran and Brody are made, the combination according to ***claim 2***, Nagendran further teaches of step of modifying data transmitted to the subscribers to reduce overburdening components of the telecommunications system based on the number of the subscribers operating in the location of the base station (10). See column 2 lines 21-25 and lines 40-42.

Regarding ***claim 4***, as the combination of Nagendran and Brody are made, the combination according to ***claim 3***, Nagendran discloses the step wherein modifying the data further comprises altering the frequency, volume and content of data transmitted to the subscribers based on the number of the subscribers operating in the location of the base station (10). See column 2 lines 21-25.

Regarding ***claim 5***, as the combination of Nagendran and Brody are made, the combination according to ***claim 1***, Nagendran discloses the step of sending said base station (10) information to the service provider subscribers operating in the location of the said base station (10). See column 2 lines 26-43 and lines 61-66.

Regarding ***claim 6***, as the combination of Nagendran and Brody are made, the combination according to ***claim 5***, Nagendran discloses the step of sending the said base station (10) location information to the service provider subscribers includes sending commercial and non-commercial information related to an area covered by the said base station (10). See column 2 lines 40-66.

Regarding ***claim 7***, as the combination of Nagendran and Brody are made, the combination according to ***claim 1***, Nagendran discloses a step further comprising the step of sending the said base station (10) location information to a third party subscriber of the location information on the operators of the said mobile device (11) located within a service area of the said wireless communication system said base station (10). See column 4 lines 11-25.

Regarding ***claim 11***, as the combination of Nagendran and Brody are made, the combination according to ***claim 1***, Nagendran discloses a step of determining the location of the said base station based on the resource identification information from the said base station, further includes querying an entry node database for the location

of the said base station (10) based on the resource information. See column 5 lines 57-64.

Regarding ***claim 12***, as the combination of Nagendran and Brody are made, the combination according to ***claim 1***, Nagendran discloses a step in column 5 lines 39-50 wherein, the determination of the said base station (10) based on the said information from the said base station (10) further includes extracting the said location of the said base station (10) from the said information from the mobile station (11).

Regarding ***claim 13***, Nagendran discloses a system for providing base station (10) location information to a service provider in a wireless telecommunication system, comprising:

- a mobile device (11) operative to send request information to a wireless telecommunications system said base station (10). See column 5 lines 33-35 receiving a service provider data packet from the service provider at a wireless device. Although Nagendran does not specifically state that a data packet is received at a mobile device (11) from a said service provider, it is inherent in the area of Cellular Communications that when a mobile device is in the active state, the service provider recognizes the mobile device's (11) presence by sending out signals to the said mobile device. Therefore, as evidenced by the fact that one of ordinary skill in the art would have recognized that due to the response of the mobile device (11) by sending a data packet to the entry node, a previous step of receiving

a packet from the service provider would have occurred prior. See column 4 lines 55-67 and column 5 lines 1-22. As well as receiving a service provider data packet from the service provider as a said mobile device (11). See column 5 lines 57-64;

- a mobile switch operative to send resource identification information for the entry node to the service provider. See column 5 lines 43-45. In response to receiving the data packet, sending from the wireless dive a radio frequency acknowledgement to the said wireless entry node. Although Nagendran does not specifically state that a frequency acknowledgement is sent from the said mobile device to the said entry node, it is inherent in the area of Cellular Communications that when a mobile device is in the active state and ready to communicate with the network that entry node provides information to the said mobile device in regards to the channel in which the device should transmit on. Therefore, as evidenced by the fact that one of ordinary skill in the art would have recognized that in response to the entry node sending information to the said mobile device, the mobile device sends an acknowledgement message back to the said entry node acknowledging the fact that the device is ready to communicate. See column 5 lines 33-35. See column 4 lines 55-67 and column 5 lines 1-22; and
- a service provider operative to determine the location of the said base station (10) on the resource information from the said base station (10). See column 5 lines 43-45.

However, Nagendran fails to clearly disclose extracting resource identification information from call record data associated with the wireless billing system.

Brody teaches in column 13 lines 37-45 of a LBSTATUS table (80), which reads on claimed "call record data," including resource identification information on the cell site. As well as sending the said LBSTATUS table (80) and a said subscriber data packet from a said base station to a MTX, which reads on claimed "mobile switch." See column 14 lines 22-37.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the teachings of Nagendran (U.S. Patent Number 6,731,940 B1) in view of Brody et al. (U.S. Patent Number 4,670,899) in order to provide the system a means of extracting said resource identification information to efficiently monitor and control the subscriber within a designated cell site.

Regarding ***claim 14***, as the combination of Nagendran and Brody are made, the combination according to ***claim 13***, Nagendran disclose whereby the service provider is further operative:

- to determine the number of service provider subscribers operating in the location of the said base station (10). See column 6 lines 42-49.
- to modify data transmitted to the subscribers to reduce overburdening components of the telecommunications system based on the number of the subscribers operating in the location of the said base station (10). See column 2 lines 21-25 and lines 40-42.

Regarding ***claim 15***, as the combination of Nagendran and Brody are made, the combination according to ***claim 14***, Nagendran discloses wherein service provider is further operative:

- to modify the frequency, speed, volume and content of data transmitted to the subscribers based on the number of the subscribers operating in the location of the system's said base station (10). See column 2 lines 21-25.

Regarding ***claim 16***, as the combination of Nagendran and Brody are made, the combination according to ***claim 13***, Nagendran discloses whereby the service provider is further operative to send base station (10) location information to service provider subscribers operating in the location of the system's said base station (10). See column 2 lines 26-43 and lines 61-66.

Regarding ***claims 9 and 18***, as the combination of Nagendran and Brody are made, the combination according to ***claims 8 and 13***, Nagendran discloses a step of sending subscriber information from a said mobile device (11) to a wireless communication system said base station (10) further includes sending a radio frequency acknowledgement from the said mobile device to the said wireless communication said base station (10). See column 4 lines 55-67 and column 5 lines 1-22.

However, Nagendran fails to clearly disclose wherein creating a traffic log including resource identification information on the entry node and sending the traffic log and the subscriber data packet to a mobile switch.

Brody teaches in column 13 lines 37-45 of a LBSTATUS table (80), which reads on claimed "traffic log," including resource identification information on the cell site. As well as sending the said LBSTATUS table (80) and a said subscriber data packet from a said base station to a MTX, which reads on claimed "mobile switch." See column 14 lines 22-37.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the teachings of Nagendran (U.S. Patent Number 6,731,940 B1) in view of Brody et al. (U.S. Patent Number 4,670,899) in order to provide the system a means of developing a traffic log to efficiently monitor and control the subscriber within a designated cell site.

Regarding ***claim 19***, Nagendran discloses a method of providing a base station (10) location information to a service provider in a wireless communication system, comprising the steps of:

- receiving a data packet from the said service provider at a said mobile device (11). See column 5 lines 57-64;
- at the base station (10), determining the location of the base station (10) based on the resource identification information. See column 5 lines 30-55;

However, Nagendran fails to clearly disclose wherein a switch, extracting the resource identification information from the traffic log.

Brody teaches in column 13 lines 37-45 of a LBSTATUS table (80), which reads on claimed "traffic log," including resource identification information on the cell site. As well as sending the said LBSTATUS table (80) and a said subscriber data packet from a said base station to a MTX, which reads on claimed "switch." See column 14 lines 22-37 and column 13 lines 37-45.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the teachings of Nagendran (U.S. Patent Number 6,731,940 B1) in view of Brody et al. (U.S. Patent Number 4,670,899) in order to provide the system a means of developing a traffic log to efficiently monitor and control the subscriber within a designated cell site.

Regarding ***claim 20***, as the combination of Nagendran and Brody are made, the combination according to ***claim 19,*** further teaches, as disclosed by Nagendran in column 6 lines 42-49, wherein at the service provider, determining the number of subscribers operating in the location in the entry.

Regarding ***claim 21***, as the combination of Nagendran and Brody are made, the combination according to ***claim 19,*** further teaches, as disclosed by Nagendran in column 2 lines 21-25 and lines 40-42, wherein modifying of the data transmitted to the

subscribers to reduce overburdening components of the said system based on the number of the subscribers operating at the said base station (10).

Regarding ***claim 22***, as the combination of Nagendran and Brody are made, the combination according to ***claim 19,*** further teaches, as disclosed by Nagendran in column 2 lines 40-66, wherein information to the subscribers include sending commercial and non-commercial information related o an area covered by the said base station (10).

Response to Arguments

Applicant's arguments filed 11/25/2005 have been fully considered but they are not persuasive.

The Examiner has fully considered the arguments and the amended claim language presented by the Applicant. However, based on the broadest interpretation of the claimed language presented, the Examiner concludes that the extraction of the resource identification information from a call record data is clearly synonymous to the teaching on Brody. See the above office action. Although Brody does not specifically state "call record data", the referenced LBSTATUS table (80) equates to be functionally the same.

Therefore, claims 1-7, 9, 11-16 and 18-22 stand rejected base on the above comments and the Office Action presented.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randy Peaches whose telephone number is (571) 272-7914. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marsha D Banks-Harold

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Randy Peaches
January 9, 2006